

REMARKS/ARGUMENTS

The claims have been amended by rewriting Claims 1, 2 and 16 and canceling Claim 11. Claims 1-10 and 12-16 remain in the application. Reconsideration of this application is respectfully requested in view of the above amendments and these remarks/arguments.

The Examiner has rejected Claims 1 and 2 under 35 U.S.C. §103 as being unpatentable over Dunn (USPN 5,625,877) in view of Phillips (USPN 6,580,725). Applicants traverse these rejections. To establish a *prima facie* case of obviousness under 35 U.S.C. §103 based upon the combined teaching of two or more references, three criteria must be met. First there must be some suggestion or motivation to combine the reference teachings. Second there must be a reasonable expectation of success, and finally, the references when combined must teach or suggest all of the claim limitations. *See* M.P.E.P. §2143. Applicants respectfully submit that the combined teachings of Dunn and Phillips do not render pending Claims 1 and 2 obvious because the combined teachings fail to teach or suggest all of the claim limitations.

Specifically, the present invention teaches establishing a default channel aggregation strategy for both an inbound path and an outbound path from at least one site. (*See* p. 6, lines 1-2 and 7-9; and p. 7, lines 5-6 and 8-10). Claim 1 has been amended to include the limitations of “*establishing a default channel aggregation for an inbound path using at least one frequency from at least one site [and] establishing a default channel aggregation for an outbound path using at least one frequency from at least one site. . .*”, and Claim 2 includes these italicized limitations by dependency. However, neither Dunn nor Phillips teaches these limitations. On this basis, Applicants respectfully submit that Dunn and Phillips combined do not render amended Claim 1 and 2 obvious and that amended Claims 1 and 2 are, therefore, now in a condition for allowance. Applicants further note that Claim 2 was amended to clarify that the step of aggregating is based upon the “*updated*” channel aggregation strategy.

The Examiner has rejected Claims 3-7 and 9-13 under 35 U.S.C. §103 as being unpatentable over Dunn in view of Phillips and Sun (USPN 6,510,147). Applicants have cancelled Claim 11, thereby, rendering moot the Examiner’s rejection of this claim. However, Applicants traverse the Examiners remaining rejections. Applicants respectfully submit that the combined teachings of Dunn, Phillips and Sun do not render pending Claims 3-7, 9-10 and 12-13 obvious because the combined teachings fail to teach or suggest all of the claim limitations.

Specifically as argued above, both Dunn and Phillips fail to teach or suggest the limitations recited in amended Claim 1 and included by dependency in Claims 3-7, 9-10 and 12-13 of *“establishing a default channel aggregation for an inbound path using at least one frequency from at least one site [and] establishing a default channel aggregation for an outbound path using at least one frequency from at least one site. . .”* Sun also fails to teach these limitations. Therefore, Applicants respectfully submit that Claims 3-7, 9-10 and 12-13 are now in a condition for allowance.

Applicants further submit that the combined teachings of Dunn, Phillips and Sun do not render pending Claim 10 obvious because none of the references teach the limitation in Claim 10 of *“invoking non-interfering narrowband channels. . .”* The Examiner argues that Sun teaches this limitation at col. 3, lines 55-60 and col. 4, lines 34-40. Applicants respectfully disagree. Applicants submit that Sun instead teaches *“minimize[ing] interference between wideband signals and narrowband signals.”* (See col. 4, lines 38-41).

The Examiner has rejected Claim 8 under 35 U.S.C. §103 as being unpatentable over Dunn in view of Phillips, Sun and Hassan (USPN 5,914,942). Applicants traverse this rejection. Applicants respectfully submit that the combined teachings of Dunn, Phillips, Sun and Hassan do not render pending Claim 8 obvious because the combined teachings fail to teach or suggest all of the claim limitations. Specifically as argued above, Dunn, Phillips and Sun fail to teach or suggest the limitations recited in amended Claim 1 and included by dependency in Claim 8 of *“establishing a default channel aggregation for an inbound path using at least one frequency from at least one site [and] establishing a default channel aggregation for an outbound path using at least one frequency from at least one site. . .”* Hassan also fails to teach these limitations. Therefore, Applicants respectfully submit that Claim 8 is now in a condition for allowance.

The Examiner has rejected Claims 14 and 15 under 35 U.S.C. §103 as being unpatentable over Dunn in view of Phillips and Charas (USPN 6,381,462). Applicants traverse these rejections. Applicants respectfully submit that the combined teachings of Dunn, Phillips and Charas do not render pending Claims 14 and 15 obvious because the combined teachings fail to teach or suggest all of the claim limitations. Specifically, none of these references teach or suggest the limitation recited in Claim 14 and included by dependency in Claim 15 of the use of *“a channel scan list”* and *“a default channel configuration.”*

The Examiner argues that Charas teaches the use of a channel scan list in col. 6, lines 4-10. Applicants respectfully disagree. Applicants submit that Charas instead teaches the scan angle of an antenna and storage of signal quality factors, not the use of scan lists. The Examiner further argues that Phillips teaches a default channel configuration for two static resources in col. 2, lines 60-65, col. 4, lines 5-10 and col. 5, lines 60-63. Applicants again respectfully disagree. Applicants submit that the default configuration discussed in Phillips is not a default channel configuration but instead identifies the portion of each resource that may be used for additional traffic load (e.g., traffic load that would normally be sent on the other resource).

For all of these reasons, Applicants submit that the combined teachings of Dunn, Phillips and Charas do not render pending Claim 14 and 15 obvious and that these claims are in a condition for allowance.

The Examiner has rejected Claim 16 under 35 U.S.C. §103 as being unpatentable over Dunn in view of Sun. Applicants traverse this rejection. Applicants respectfully submit that the combined teachings of Dunn and Sun do not render pending Claim 16 obvious because the combined teachings fail to teach or suggest all of the claim limitations. For the reasons argued above with respect to Claims 1 and 8 Dunn and Sun fail to teach or suggest the limitations recited in amended Claim 16 of at least one resource controller for “*establishing a default channel aggregation for an inbound path using at least one frequency from at least one site [and] establishing a default channel aggregation for an outbound path using at least one frequency from at least one site. . .*” Therefore, Applicants respectfully submit that amended Claim 16 is now in a condition for allowance.

The Applicants note the art cited, but not relied upon by the Examiner.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants’ attorney or agent at the number indicated

below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department
1303 E. Algonquin Road
Law Department
Schaumburg, IL 60196
Customer Number: 22917

By: _____



Valerie M. Davis
Attorney of Record
Reg. No.: 50,203

Telephone: (847) 576-6733
Fax No.: (847) 576-0721